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**Testimony before the House Judiciary Committee
SB 145
March 7, 2013**

**Presented by: John Barrows
 Montana Newspaper Association**

The Montana Newspaper Association, which represents Montana's daily and weekly newspapers, opposes SB 145 on the basis of it being an excessive and prior restraint of the people's Constitutional Right to Know in an area in which the public has both a substantial and legitimate interest.

Article II, Section 9 of the Montana Constitution requires government documents to be open to examination, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

We agree that much of the information currently required on a Concealed Weapon Permit Application may clearly be considered to fall within the realm of individual privacy, and we have previously testified in support of SB 37, which was brought to the Senate Judiciary Committee upon the recommendation of the Law and Justice Interim Committee, and which would balance both the right of individual privacy and the public's Right to Know by limiting information to the name and address of applicants. In that hearing we had also noted that the public should also have the right to know whether or not the applicant listed any criminal record.

This bill, SB 145, goes beyond that, and eliminates all information concerning applications from the public realm. It fails the balancing test between the Public Right to Know, and the Individual Right of Privacy which is required to assure that these two important rights are both adequately protected/

Currently, around the country, particularly after the horrible shootings at Sandy Hook School in Newton, Connecticut, and the printing of a map by a New York newspaper of local gun permit owners (not specifically concealed weapon permits) there has been a flurry of attempts across the country to completely eliminate any information at all about concealed weapons.

Although it is tempting to react instinctively in shutting down important information in the face of the negative reactions from the incident, it is important that the Montana's precious Constitutional balance of public and privacy issues be maintained. That balance may include the substitution of the applicant's address for the county, and to allow specific, special circumstances, such as the exemption of victims of specific crimes or domestic abuse.

By passing this bill as written, and categorizing all information regarding applications as Confidential Criminal Justice Information, even such neutral, non-identifying statistical information, such as the

number of applications, or permits granted, would become much more difficult to obtain, and to which the public is undoubtedly entitled.

Indeed, as defined in 44-5-103, MCA, (3), Confidential Criminal Justice Information is primarily restricted to criminal investigative and intelligence information and fingerprints and photos.

By classifying the applications for concealed weapons as Confidential Criminal Justice Information, there is a general broadening of the definition of the category, and an arbitrary action that completely shuts off from public review or inspection, even the very name of who has applied for an application. It has, in a way, classified the act of filing an application for the privilege of carrying a concealed weapon in municipalities as a criminal information instead of a privilege that is currently and should remain a public record.

We ask that SB 145 receive a Do Not Pass from this committee, or that it be amended to allow the name of the applicant and the county of residence to remain open and accessible to the public. To that end, we stand ready to work with the bill's sponsors in developing an adequate balance of both the Constitutional Right of Privacy and the Right to Know in addressing this issue.

Thank you.

John Barrows

Montana Newspaper Association